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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,963	09/28/2001	Richard G. Rebh	FLOR-0162	5193
23377	7590	07/13/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			DINH, DUC Q	
			ART UNIT	PAPER NUMBER
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DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/965,963	Applicant(s) REBH, RICHARD G.	
	Examiner DUC Q. DINH	Art Unit 2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 10/422,813. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are claims duplicated subject matter and for the reason set forth below.

Claim 1 of the present Application 09/965,963	Claim 1 of the copending Application Number 09/965,962
An advertising system, comprising:	An information conveying system comprising:
a display;	An electroluminescent display;
at least one motion sensor for detecting motion;	at least one motion sensor;
a memory comprising instructions for illuminating the display; and	a memory comprising instructions for illuminating the electroluminescent display; and
a controller, that is in electrical connection	a controller, that is in electrical connection

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with the display, the sensor and the memory and that reads the memory and activates the display in response to a signal from the sensor.	with the display, the sensor and the memory and reads the memory and activates in response to a signal from the sensor;

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. It would have been obvious for one of ordinary skill in the art at the time of the invention was made to use electroluminescent of the Copending Application as the floor display for the Present Application.

This is only example comparison between claim 1 of the present application and the copending application, similar comparisons are applied to other claims of the present application and the copending application.

Claim Objections

3. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim 9 should read to be depended to claim 8.

Claims 65-67 should read to be depended to claim 64.

In addition, there is no antecedent for "the speaker" in line 3 of claim 68.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Brownell (U5,814,947).

In reference to claim 1, Brownell discloses a multi-segment display for an advertising system in Fig. 1-2 comprising a display 8; a sensor 12; a memory U6 comprising instructions for illuminating the display; and a controller 54 that is in electrical connection with the sensor and the memory and that reads the memory and activates the display in response to the signal from the sensor (see Fig. 1-2 and Fig.6, col. 11, lines 5-20).

In reference to claim 2, Brownell discloses motion sensor 2 in Fig. 2.

In reference to claim 3, Brownell discloses the DC current power source power the controller. (Fig. 6)

In reference to claim 4, Brownell discloses the memory comprising instructions for instructing the controller to illuminates the display in multiple patterns (col. 11, lines 10-20).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-12, 18-30, 36-46, 52-58, 64, 66-70 and 72-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell (U. S. Patent No. 5,814,947) as applied to claims 1-4 above, in view of Blotkey (U. S. Patent No. 6,762,734).

In reference to claims 5-7, Brownell discloses the data from memory U6 provides information to illuminates the individual segments of lamp 56 in different patterns. Brownell discloses everything except the controller illuminates the display in different patterns according to the sense signals from sensor. Blotky discloses the advertising display first to third presentations (first to third patterns) when the sensor idles and a second and third different patterns when one the interface switches 56 or 58 is activated.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the teaching of Blotky. i.e.: displaying different presentations when the sensor or when an interface switch is activated, in the device of Brownell, for selectively and dynamically showing a plurality of images to attract the attention of the customers use the products for advertising purposes (col. 1, lines 25-35).

In reference to claims 8-12, Blotky discloses that the images can be show one of a time, or may be displayed in a rapid succession to generate moving images. These moving images may be accompanied by appropriate sounds from a speaker.

In reference to claims 18-19, Blotky discloses that to improve the dynamic of the display sound or other data may be transferred between the device and external source. The transfer of data may be automatic or it may be triggered, for example by an appropriate sensor such as sensors 52, 54, 56 or by activating another switch provided for

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this purpose. The addition of the external interface could serve multiple purposes. For example, a user can generate an image or sound file on his computer (not shown), or download it, for example from the Internet, and then transmit it to the microprocessor 44 via interface 62. The interface 62 can then store this file in the memory 46. Similarly, data could be transferred from the container 10 to an external source 62 in response to an advertisement displayed on the container 10 activated by an appropriate sensor such as the stress sensor 54.

In reference to claims 20, Brownell discloses the data from memory U6 provides information to illuminates the individual segments of lamp 56 in different pattern (see the rejection as applied to claim 1). Blotky discloses the advertising display first to third presentations in different mode when the sensor idles and a second and third different patterns when one the interface switches 56 or 58 is activated (see col. 4, lines 4-58).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the teaching of Blotky. i.e.: displaying different presentations in different modes when the sensor or when an interface switch is activated, in the device of Brownell, for selectively and dynamically showing a plurality of images to attract the attention of the customers use the products for advertising purposes (col. 1, lines 25-35).

In reference to claims 21-22, refer to the rejections as applied to claims 2-3.

In reference to claims 23-24, refer to the rejections as applied to claims 6-7.

In reference to claim 25, Blotky discloses sensor 56 may be a touch sensitive switch.

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In reference to claims 26-30, refer to the rejections as applied to claims 8-12.

In reference to claims 36-37 refer to the rejection as applied to claims 18-19.

Claims 38-46 are method claims corresponding to the apparatus of claims 20-30 and therefore, rejected based on the same basis set forth in said claims.

Claims 52-58 are method claims corresponding to the apparatus of claims 20-36 and therefore, rejected based on the same basis set forth in said claims.

In reference to claims 64-66, refer to the rejection as applied to claim 8.

In reference to claim 67, refer to the rejection as applied to claims 18-19.

In reference to claim 68, refer to the rejection of claim 1 for the output device, the motion sensor, the memory, the controller and refer to the rejection of claims 18-19 for the input device that changing the memory instructions to generate a second output from the output device.

In reference to claim 69, Brownell discloses a display 8 as floor decal.

In reference to claim 70, Blotky discloses the speaker 58 as claimed.

In reference to claim 72, Blotky discloses the touch sensitive 56 as claimed.

In reference to claims 73-74, refer to the rejections as applied to claims 18-19.

In reference to claims 75-81, refer to the rejection as applied to claims 68 for the sensor, the display and controller and claim 70 for the speaker as output device as claimed.

In reference to claim 82, refer to the rejection as applied to claim 2.

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In reference to claims 83-86, refer to the rejection as applied to claim 20-30.

In reference to claims 87-89, Blotky discloses sensors 52,54,56 as claimed.

In reference to claim 90, Brownell discloses the display 8 is rectangular.

In reference to claim 91, see the rejections as applied to claims 18-19.

In reference to claim 92, refer to the rejection as applied to claim 20-30, 90.

8. Claims 13-17, 31-35, 47-51, 59-63, 65, 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell (U. S. Patent No. 5,814,947) as applied to claims 1 above, in view of Larussa U. S. Patent No. 6,318,868).

In reference to claim 13, Brownell discloses everything except the system comprising an aromatic unit connected to the controller and the memory further comprising aromatic instructions for emitting the aroma from the aromatic unit. Larussa discloses a display system equipped with a means for emitting an odor towards the image display in Fig. 9-10.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the means for directing the odor of Larussa in the device of Brownell for providing a system not only utilizes the human audio and visual senses but also addresses the sense of smell because the human olfactory nerves provide inputs into the brain that are an important factor in determining whether an observer will accept or reject a three dimensional visual presentation as being real (col. 2, lines 51-60).

In reference to claims 14-15, Larussa discloses that it is also to be understood that computerized control system 344 may also be software driven and may, without user input, selectively show one product after another. Likewise, depending on the time of

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day or other factors, computerized control system 344 may direct the display of different products. For example, in the illustrated example of perfume bottles, the system may display informal, casual scents during the day, and more formal perfumes at night (col. 8, lines 24-36).

In reference to claims 16, 17, Larussa discloses user input panel 338 in Fig. 9-10 satisfying the claim limitation interface switch which coupled to the controller and send interface signal to the controller to emit different aroma as claimed.

In reference to claims 31-35, refer to the rejections as applied to claims 13-17.

In reference to claims 47-51, refer to the rejections as applied to claims 13-17.

In reference to claims 59-63, refer to the rejections as applied to claims 13-18.

In reference to claims 65, 71 refer to the rejection as applied to claim 13.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

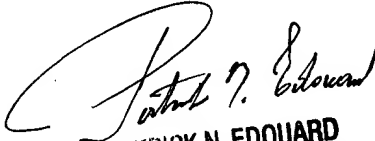
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edouard Patrick can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2674

DQD
July 9, 2005



PATRICK N. EDOUARD
ASSISTANT PATENT EXAMINER